# BEFORE THE ARIZONA STATE VETERINARY MEDICAL

#### **EXAMINING BOARD**

Case No.: 09-11

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

For the practice of Veterinary Medicine in the State of Arizona Respondent.

IN THE MATTER OF:

PAUL PULLEN, D.V.M.

Holder of License No. 0989

On March 18, 2009, and May 20, 2009, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Paul Pullen, D.V.M. ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of his right to legal counsel by letter, appeared, and participated in the Informal Interview, and was represented by Mr. David Stoll. The Board reviewed all documents submitted regarding this matter, received testimony from Ms. Susan Via, and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant to A.R.S. § 32-2232 (16) as it relates to A.A.C. R3-11-502 (K)(2) and (K)(3), for failure to maintain a controlled substance inventory log or dispensing log and A.R.S. § 32-2233 (B)(3) for failing to notify the Board within 20 days of a change in practice address. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order ("Order").

## FINDINGS OF FACT

- 1. Respondent is the holder of License No. 0989 issued on July 11, 1975, and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.
- 2. In August 2008, a complaint was presented that alleged Respondent failed to notify the Board of his change of premise address. Respondent's records show that his personal address was current. However Respondent's premise address did not list Duval Animal Clinic as his employer and he had been employed there since 2005.
- 3. Respondent also worked part time for the Tucson Greyhound Park. Respondent stated his duties included treating a hurt dog or referring a sick animal. He will euthanize a dog if needed. In addition he had been ordering testosterone, a controlled substance, for dispensing and administration to female greyhounds on the track to suppress esterus.
- 4. Respondent ordered controlled substances for the Tucson Greyhound Park through his DEA license and registration at his home. He testified that his truck was broken into on November 24, 2008 and the thieves stole his lock box and the controlled substance dispensing logs, which were also in the box.
- 5. Respondent did not produce any inventory or dispensing logs for controlled substances such as the euthanasia solution or testosterone. Respondent, during testimony, did not appear to know the difference in such logs nor present evidence of past or current logs outside of those that were stolen.

#### **CONCLUSIONS OF LAW**

- 1. The Arizona State Veterinary Medical Examining Board has jurisdiction over this matter pursuant to A.R.S. § 32-2201, et seq.
- 2. The conduct and circumstances described in the Findings of Fact above, constitute a violation of A.R.S. § 32-2232 (16) as it relates to A.A.C. R3-11-502 (K)(2) for failure to maintain a controlled substance inventory log.

3. The conduct and circumstances described in the Findings of Fact above, constitute a violation of A.R.S. 32-2233 (B)(2) for failure to notify the Board of a change in practice address within twenty days.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

ORDERED Respondent's license number 0989 is placed on PROBATION for a period of one

(1) year, subject to the following:

- 1. Respondent shall provide written proof satisfactory to the Board that he has completed four (4) hours of continuing education in addition to the existing continuing education required to renew a veterinary license. Respondent shall satisfy these four hours by attending the record keeping class offered by the Emergency Animal Clinic, Phoenix.
- 2. Respondent shall submit to the Board a written outline regarding how he plans to satisfy the requirement in paragraph 1 above, for its approval within sixty (60) days of the effective date of this Order. All continuing education to be completed for this Order shall be pre-approved by the Board.
- 3. Respondent shall bear all costs incurred regarding compliance with this Order.
- 4. This Order is conclusive evidence of the matters described and may be considered by the Board in determining an appropriate sanction in the event a subsequent violation occurs. In the event Respondent violates any term of this Order, the Board may, after opportunity for Informal Interview or Formal Hearing, take any other appropriate disciplinary action authorized by law, including suspension or revocation of Respondent's license.

### REHEARING/APPEAL RIGHTS

Respondent has the right to petition for a rehearing or review of this Order. Pursuant to A.R.S. § 32-2234 (F) and § 41-1092.09 the petition must be filed with the Board within thirty-five (35) days from the date of mailing if the Order was served via certified mail. Pursuant to A.A.C. R3-11-904 (C), the petition must set forth legally sufficient reasons for granting the rehearing or review. The filing of a petition for rehearing or review is required to preserve any rights of appeal to the Superior Court that the party may wish to pursue.

This Order shall be effective and in force upon the expiration of the above time period for filing a motion for rehearing or review with the Board. However, the timely filing of a motion for rehearing or review shall stay the enforcement of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has expressly found good cause to believe that this Order shall be effectively immediately upon the issuance and has so stated in this Order.

Dated this  $22^{n^{\frac{1}{4}}}$  day of May, 2009.

Arizona State Veterinary Medical Examining Board Richard Crisler, D.V.M. Chairman

Jenna Jones, Executive Director

б

this 22<sup>m</sup> day of May, 2009, with the:

Arizona State Veterinary

Medical Examining Board 1400 W. Washington, Room 240 Phoenix, AZ 85007

Original of the foregoing filed

2	Copy of the foregoing sent by
3	certified, return receipt mail #
4	this 22rd day of May, 2009, to:
5	
6	
7	
8	
9	Copy of the foregoing sent by regular mail
10	this made day of May 2009, to:
11	Mr. David Stoll Attorney at Law
12	302 E. Coronado Road
13	Phoenix, AZ 85004
14	
15	By: Board Staff
16	
17	
18	
19	
20	
21	
22	
23	
24	